



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

IDRIS GHARBAOUI, MD

Respondent Name

OLD REPUBLIC INSURANCE CO

MFDR Tracking Number

M4-15-2238-01

Carrier's Austin Representative

Box Number 44

MFDR Date Received

MARCH 23, 2015

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "We have received the denial for the corrected claim we submitted but we disagree with this denial because we have removed code 13131LT and only billed with codes 11760 and 11012. Therefore they are no bundling conflict on code 11012LT and 11760."

Amount in Dispute: \$1,120.47

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Carrier has calculated a reimbursement of \$266.99 under the applicable fee guidelines. No additional reimbursement is owed."

Response Submitted by: Flahive, Ogden & Latson

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
November 1, 2014	CPT Code 11760-LT Repair of nail bed	\$266.99	-\$37.59
	CPT Code 11012-LT Debridement including removal of foreign material at the site of an open fracture and/or an open dislocation (eg, excisional debridement); skin, subcutaneous tissue, muscle fascia, muscle, and bone	\$853.48	\$853.48
TOTAL		\$1,120.47	\$815.89

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving a medical fee dispute.
2. 28 Texas Administrative Code §134.203, effective March 1, 2008, sets the reimbursement guidelines for the disputed service.
3. The services in dispute were reduced/denied by the respondent with the following reason codes:
 - 97-The benefit for this service is included in the payment/allowance for another service/procedure that has already been adjudicated.
 - W3-Request for reconsideration.
 - 193-Original payment decision is being maintained. Upon review, it was determined that this claim was processed properly.
 - P12-No code description given.
 - P300-No code description given.
 - Z710-No code description given.
 - P1-No code description given.

Issues

1. Is the allowance of CPT 11012-LT included in the allowance of another service/procedure billed on the disputed date of service? Is the requestor entitled to reimbursement?
2. Is the requestor due additional reimbursement for code 11760?

Findings

1. According to the explanation of the respondent denied reimbursement for CPT code 11012-LT based upon the allowance was included in another procedure performed on the disputed date of service.

On the disputed date of service, the requestor billed codes 11760-LT and 11012-LT.

28 Texas Administrative Code §134.203(a)(5) states “Medicare payment policies” when used in this section, shall mean reimbursement methodologies, models, and values or weights including its coding, billing, and reporting payment policies as set forth in the Centers for Medicare and Medicaid Services (CMS) payment policies specific to Medicare.”

28 Texas Administrative Code §134.203(b)(1) states “For coding, billing, reporting, and reimbursement of professional medical services, Texas workers' compensation system participants shall apply the following: (1) Medicare payment policies, including its coding; billing; correct coding initiatives (CCI) edits; modifiers; bonus payments for health professional shortage areas (HPSAs) and physician scarcity areas (PSAs); and other payment policies in effect on the date a service is provided with any additions or exceptions in the rules.”

Per CCI edits, CPT code 11012-LT is not a component of 11760; therefore the respondent’s denial is not supported and reimbursement is recommended.

Per 28 Texas Administrative Code §134.203(c)(1)(2), “To determine the MAR for professional services, system participants shall apply the Medicare payment policies with minimal modifications.

(1) For service categories of Evaluation & Management, General Medicine, Physical Medicine and Rehabilitation, Radiology, Pathology, Anesthesia, and Surgery when performed in an office setting, the established conversion factor to be applied is \$52.83. For Surgery when performed in a facility setting, the established conversion factor to be applied is \$66.32.

(2) The conversion factors listed in paragraph (1) of this subsection shall be the conversion factors for calendar year 2008. Subsequent year's conversion factors shall be determined by applying the annual percentage adjustment of the Medicare Economic Index (MEI) to the previous year's conversion factors, and shall be effective January 1st of the new calendar year. The following hypothetical example illustrates this annual adjustment activity if the Division had been using this MEI annual percentage adjustment: The 2006 Division conversion factor of \$50.83 (with the exception of surgery) would have been multiplied by the 2007 MEI annual percentage increase of 2.1 percent, resulting in the \$51.90 (with the exception of surgery) Division conversion factor in 2007.”

To determine the MAR the following formula is used: (DWC Conversion Factor/Medicare Conversion Factor)

X Participating Amount = Maximum Allowable Reimbursement (MAR).

The 2014 DWC conversion factor for this service is 69.98.

The Medicare Conversion Factor is 35.8228

Review of Box 32 on the CMS-1500 the services were rendered in zip code 77030, which is located in Houston, TX therefore, the Medicare participating amount is based on locality "Houston, Texas".

The Medicare participating amount for code 11012 is \$720.67.

Using the above formula, the MAR is \$1,407.83. The respondent paid \$0.00. Because the requestor is seeking a lesser amount than the MAR of \$853.48, this amount is recommended for reimbursement.

2. The respondent paid \$266.99 of the \$648.00 billed charges for code 11760 based upon reason codes "P1," "P12," "Z710," and "P300."

The Medicare participating amount for code 11760 is \$234.86.

Per Medicare, Code 11760 is subject to multiple procedure discounting.

Using the above formula, the Division finds that the MAR is $\$458.80 \times 50\% = \229.40 . The respondent paid \$266.99 resulting in an overpayment of \$37.59.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$815.89.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$815.89 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

_____	_____	06/29/2015
Signature	Medical Fee Dispute Resolution Officer	Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, 37 *Texas Register* 3833, applicable to disputes filed on or after June 1, 2012.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the Medical Fee Dispute Resolution Findings and Decision** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.